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09400HB2065ham001

LRB094 03030 RLC 46331 a

1 AMENDMENT TO HOUSE BILL 2065

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2065 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Wildlife Code is amended by changing  
5 Section 3.5 and by adding Section 2.33b as follows:

6 (520 ILCS 5/2.33b new)

7 Sec. 2.33b. Computer-assisted remote hunting; prohibition.  
8 A person may not operate, provide, sell, use, or offer to  
9 operate, provide, sell, or use any computer software or service  
10 that allows a person not physically present at the hunt site to  
11 remotely control a weapon that could be used to take wildlife  
12 by remote operation, including, but not limited to, weapons or  
13 devices set up to fire through the use of the Internet or  
14 through a remote control device.

15 (520 ILCS 5/3.5) (from Ch. 61, par. 3.5)

16 Sec. 3.5. Penalties; probation.

17 (a) Any person who violates any of the provisions of  
18 Section 2.36a, including administrative rules, shall be guilty  
19 of a Class 3 felony, except as otherwise provided in subsection  
20 (b) of this Section and subsection (a) of Section 2.36a.

21 (b) Whenever any person who has not previously been  
22 convicted of, or placed on probation or court supervision for,  
23 any offense under Section 1.22, 2.36, or 2.36a or subsection

1 (i) or (cc) of Section 2.33, the court may, without entering a  
2 judgment and with the person's consent, sentence the person to  
3 probation for a violation of Section 2.36a.

4 (1) When a person is placed on probation, the court  
5 shall enter an order specifying a period of probation of 24  
6 months and shall defer further proceedings in the case  
7 until the conclusion of the period or until the filing of a  
8 petition alleging violation of a term or condition of  
9 probation.

10 (2) The conditions of probation shall be that the  
11 person:

12 (A) Not violate any criminal statute of any  
13 jurisdiction.

14 (B) Perform no less than 30 hours of community  
15 service, provided community service is available in  
16 the jurisdiction and is funded and approved by the  
17 county board.

18 (3) The court may, in addition to other conditions:

19 (A) Require that the person make a report to and  
20 appear in person before or participate with the court  
21 or courts, person, or social service agency as directed  
22 by the court in the order of probation.

23 (B) Require that the person pay a fine and costs.

24 (C) Require that the person refrain from  
25 possessing a firearm or other dangerous weapon.

26 (D) Prohibit the person from associating with any  
27 person who is actively engaged in any of the activities  
28 regulated by the permits issued or privileges granted  
29 by the Department of Natural Resources.

30 (4) Upon violation of a term or condition of probation,  
31 the court may enter a judgment on its original finding of  
32 guilt and proceed as otherwise provided.

33 (5) Upon fulfillment of the terms and conditions of  
34 probation, the court shall discharge the person and dismiss

1 the proceedings against the person.

2 (6) A disposition of probation is considered to be a  
3 conviction for the purposes of imposing the conditions of  
4 probation, for appeal, and for administrative revocation  
5 and suspension of licenses and privileges; however,  
6 discharge and dismissal under this Section is not a  
7 conviction for purposes of disqualification or  
8 disabilities imposed by law upon conviction of a crime.

9 (7) Discharge and dismissal under this Section may  
10 occur only once with respect to any person.

11 (8) If a person is convicted of an offense under this  
12 Act within 5 years subsequent to a discharge and dismissal  
13 under this Section, the discharge and dismissal under this  
14 Section shall be admissible in the sentencing proceeding  
15 for that conviction as a factor in aggravation.

16 (9) The Circuit Clerk shall notify the Department of  
17 State Police of all persons convicted of or placed under  
18 probation for violations of Section 2.36a.

19 (c) Any person who violates any of the provisions of  
20 Sections 2.9, 2.11, 2.16, 2.18, 2.24, 2.25, 2.26, 2.29, 2.30,  
21 2.31, 2.32, 2.33 (except subsections (g), (i), (o), (p), (y),  
22 and (cc)), 2.33-1, 2.33a, 2.33b, 3.3, 3.4, 3.11 - 3.16, 3.19 -  
23 3.21, and 3.24 - 3.26, including administrative rules, shall be  
24 guilty of a Class B misdemeanor.

25 Any person who violates any of the provisions of Sections  
26 1.22, 2.4, 2.36 and 2.38, including administrative rules, shall  
27 be guilty of a Class A misdemeanor. Any second or subsequent  
28 violations of Sections 2.4 and 2.36 shall be a Class 4 felony.

29 Any person who violates any of the provisions of this Act,  
30 including administrative rules, during such period when his  
31 license, privileges, or permit is revoked or denied by virtue  
32 of Section 3.36, shall be guilty of a Class A misdemeanor.

33 Any person who violates subsection (g), (i), (o), (p), (y),  
34 or (cc) of Section 2.33 shall be guilty of a Class A

1 misdemeanor and subject to a fine of no less than \$500 and no  
2 more than \$5,000 in addition to other statutory penalties.

3 Any person who violates any other of the provisions of this  
4 Act including administrative rules, unless otherwise stated,  
5 shall be guilty of a petty offense. Offenses committed by  
6 minors under the direct control or with the consent of a parent  
7 or guardian may subject the parent or guardian to the penalties  
8 prescribed in this Section.

9 In addition to any fines imposed pursuant to the provisions  
10 of this Section or as otherwise provided in this Act, any  
11 person found guilty of unlawfully taking or possessing any  
12 species protected by this Act, shall be assessed a civil  
13 penalty for such species in accordance with the values  
14 prescribed in Section 2.36a of this Act. This civil penalty  
15 shall be imposed by the Circuit Court for the county within  
16 which the offense was committed at the time of the conviction.  
17 All penalties provided for in this Section shall be remitted to  
18 the Department in accordance with the same provisions provided  
19 for in Section 1.18 of this Act.

20 (Source: P.A. 90-743, eff. 1-1-99.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law."